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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,397	03/09/2004	Robert Falotico	CRD-5068	1881
<div>27777 7590 02/11/2009</div> <div>PHILIP S. JOHNSON</div> <div>JOHNSON & JOHNSON</div> <div>ONE JOHNSON & JOHNSON PLAZA</div> <div>NEW BRUNSWICK, NJ 08933-7003</div>				
<div>EXAMINER</div> <div>HAGOPIAN, CASEY SHEA</div>				
<div>ART UNIT</div> <div>1615</div>		<div>PAPER NUMBER</div>		
<div>MAIL DATE</div> <div>02/11/2009</div>		<div>DELIVERY MODE</div> <div>PAPER</div>		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10796397	3/9/2004	FALOTICO ET AL.	CRD-5068

EXAMINER

Casey S. Hagopian

ART UNIT	PAPER
1615	20090204

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 11/10/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the Double Patenting rejection has not been addressed. Applicant requested that rejection be deferred until allowable subject matter is indicated (Remarks at page 7), however according to 37 CFR 1.111, it is improper to request a rejection be held in abeyance. 37 CFR 1.111 states,

The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated.

The double patenting rejection falls into neither the category of an objection or a requirement to form. Thus, applicant is required to address said double patenting rejection.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Casey Hagopian whose telephone number is 571-272-6097. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Casey S Hagopian/
Examiner, Art Unit 1615
PTO-90C (Rev.04-03)

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615